

**B. THE ROLE OF THE CSO FAIR HEARING COORDINATOR**

The following is a summary of general duties assigned to Fair Hearing Coordinators. See the sub-sections for specific instructions.

**CLARIFYING INFORMATION**

The authority and responsibility of the Administrative Law Judge (ALJ) is defined in WAC 388-08-425.

The CSO Fair Hearing Coordinator (FHC) is usually an FSS, who has assigned responsibility for the Fair Hearing operations in the CSO.

The FHC acts as liaison, in cases involving fair hearings, between the CSO

- The appellant
- The appellant's representative
- The Office of Administrative Hearings (OAH)
- The DSHS Board of Appeals
- The Medical Assistance Administration
- The Division of Assistance Programs
- The WorkFirst Division
- The Office of the Attorney General
- The Division of Children and Family Services
- The Division of Fraud Investigation
- Other agencies or individuals involved in specific hearings.

The FHC must maintain the appearance of fairness in the fair hearing process. The following guidelines apply:

1. Communication with ALJ's, department witnesses, appellants their witnesses and representatives must be on a professional level,
2. Any communication between the FHC and an ALJ regarding a specific hearing must include the appellant and/or their representative. Private conversations with an ALJ about a hearing, [ex parte contact] are strictly prohibited, unless it involves a safety issue [RCW 34.05.455]. Follow procedures of the local OAH office regarding these contacts.

**CSO FAIR HEARING COORDINATOR RESPONSIBILITIES**

The FHC has the following responsibilities:

1. Maintain DSHS 09-358(x), Fair Hearing Control Cards, or other record that details the following specific information:
  - a. Name and client ID of appellant,
  - b. Date of request for hearing,
  - c. Issue for hearing,
  - d. Name of appellant representative if any,
  - e. Scheduled date of hearing,
  - f. Requested continuances,
  - g. Date and result of hearing decision,
  - h. Date of request for review and reconsideration
2. Document hearings actions on ACES narrative;
3. Determine eligibility for continued assistance according to WAC 388-418-0030.
4. Give notice to Office of Financial Recovery (OFR) to stop recovery when a hearing has been requested;
5. Represent the CSO in administrative hearings;
6. Contact Assistant Attorney General (AAG) when necessary to determine whether an AAG should be present at a hearing. Contact regional office when AAG is unavailable and the FHC or CSO believes that representation is necessary;
7. Notify the OAH of any accommodation needed due to client NSA status;

8. Notify the OAH if interpreter services are requested for LEP clients;
9. Prepare the DSHS 09-354(X), Fair Hearing Report or similar document as an attachment to exhibits (Fair Hearing Packet);
10. Provide copies of the Fair Hearing Packet to all parties;
11. Coordinate and conduct pre-hearing conferences;
12. Arrange for subpoenas to be issued by the AAG when necessary;
13. Distribute copies of initial decision/review decisions as necessary to:
  - a. Office of Financial Recovery (OFR);
  - b. Division of Assistance Programs;
  - c. WorkFirst Division; or
  - d. Financial Supervisor/Social Service Supervisor.
14. Coordinate implementation of initial decisions;
15. Prepare petition for review of initial decision or response to appellant petition for review as appropriate; and
16. Notify the Division of Fraud Investigation (DFI) of any hearing requests on cases that have been referred for prosecution.